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SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION (S) NO. 5585 /2006

O.P. Chandra,
S/o- Shri G.L. Chandra,
Aged about 58 years,
Presently working as Sub Divisional Officer,
Hasdeo R.B.C. Sub Division No. 5, Jarve,
Distt. Janjgir-Champa,
Chhattisgarh. **PETITIONER**

VERSUS

1. State of Chhattisgarh,
Through- Secretary,
Deptt. of Water Resources,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.

P.R. No. 5597/06
Presented by Shri P Shyam
dated 9.10.06

2. Shri R.L. Gautam,
S/o- Not known,
Presently working as Sub Divisional Officer,
Pipria, Shirsh Karya Sub Division,
Chuikhadan, Distt. Rajnandgaon,
Chhattisgarh. **RESPONDENTS**

RECEIVED-COPY
CLERK to A. G. BILASPUR
Baidha
9-10-06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 5585 of 2006

Petitioner O.P. Chandra

Versus

Respondents State of Chhattisgarh & another

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Pankaj Shrivastava, Advocate for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the respondent No. 1/State.

ORDER

(12th October, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was employed as Sub Divisional Officer in the Hasdeo Right Bank Canal, Sub Division No. 5, Jarve, District Janjgir-Champa. By order dated 20.9.2006 (Annexure P/1) from where he was transferred to Pipria, Shirsh Karya Sub Division, Chuikhadan, District Rajnandgaon.

2. The petitioner has filed this petition impugning the transfer order dated 20.9.2006 on the ground that the order is contrary to the transfer guidelines dated 26.5.2006 as passed during the ban period.

3. I have heard learned counsel for the parties and perused the papers. By the impugned transfer order, six persons have been transferred, including the petitioner and copy of the same has been endorsed to the Principal Secretary to the Chief Minister.

4. The transfer guidelines provides for transfer, cancellation/modification of the transfer during the ban period in

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co-ordination with the Chief Minister. It is submitted by learned counsel appearing for the respondent No. 1/State that the copy of the transfer order is endorsed to the Chief Minister only in those cases where the order was passed in co-ordination with the Chief Minister. In the present case, the impugned transfer order has been endorsed to the Principal Secretary to the Chief Minister, which clearly establishes that the order was passed in co-ordination with the Chief Minister as prescribed under the transfer guidelines. The petitioner has not assailed the impugned transfer order on any other ground. Thus, the petition is devoid of merit.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place, forever, by Court orders. At this stage, it is not necessary to examine validity of the transfer.

6. The writ petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu